



FIRST AMENDMENT TO DEDICATION OF COMMON AREA PURSUANT TO COVENANTS, CONDITIONS AND RESTRICTIONS FOR EDWARD'S MOUNTAIN

THIS FIRST AMENDMENT TO DEDICATION OF COMMON AREA PURSUANT TO COVENANTS, CONDITIONS AND RESTRICTIONS FOR EDWARD'S MOUNTAIN (this "Amendment") is made as of December 31, 2013, by EDWARD'S MOUNTAIN OWNERS ASSOCIATION, INC., a Texas non-profit corporation ("Association").

Recitals

A. Association is the Association under that certain Declaration of Covenant, Conditions and Restrictions for Edward's Mountain, recorded on December 21, 1993, and of record in Volume 12124, Page 1252 of the Real Property Records of Travis County, Texas (the "Declaration"), and affecting certain real property more particularly described therein (the "Property").

B. Subsequent to the Declaration, an instrument entitled Dedication of Common Area Pursuant to Covenants, Conditions and Restrictions for Edward's Mountain was recorded on March 18, 1997, in Volume 12895, Page 1064 of the Real Property Records of Travis County, Texas (the "Dedication").

C. Association now desires to effectuate certain amendments to the Dedication (and the Declaration) as contemplated therein.

Amendment

NOW, THEREFORE, Association hereby declares that, as of the date hereof, the Dedication (and the Declaration) is hereby modified and amended as follows:

1. Common Area Maintenance Easement Property. The Dedication is hereby amended to replace Exhibit A attached to the Dedication with as Exhibit A attached hereto. The Association shall be permitted to use the Common Area Maintenance Easement Property to maintain landscaping, fencing and signage. The Common Area Maintenance Easement Property depicted on as Exhibit A attached hereto contains 1,309 square feet and is located between the wall constructed along Edwards Mountain Drive and the Edwards Mountain Drive right-of-way.

2. Conveyance of Property to Certain Owners. Exhibit A attached to the original Dedication describes certain real property that is not included in the real property described in Exhibit A attached hereto. The real property that is described in Exhibit A attached to the original Dedication but not included in the real property described in Exhibit A attached hereto is referred to herein as the "Conveyance Property."

A portion of the Conveyance Property is located on Lot 19, Block A, Edward's Mountain Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 92, Page 332 of the Plat Records of Travis County, Texas (such portion of

the Conveyance Property being referred to herein as the "Lot 19 Conveyance Property"). The Lot 19 Conveyance Property is more particularly described in Exhibit A-1 attached hereto.

A portion of the Conveyance Property is located on Lot 20, Block A, Edward's Mountain Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 92, Page 332 of the Plat Records of Travis County, Texas (such portion of the Conveyance Property being referred to herein as the "Lot 20 Conveyance Property"). The Lot 20 Conveyance Property is more particularly described in Exhibit A-2 attached hereto.

Association hereby agrees to convey to the Owner of Lot 19 the Lot 19 Conveyance Property, such conveyance to be made by deed in the form attached hereto as Exhibit B (the "Deed"). The Owner of Lot 19 hereby agrees to accept the conveyance by the Association of the Lot 19 Conveyance Property as set forth in the Deed (when completed to include all information required to convey the Lot 19 Conveyance Property).

Association hereby agrees to convey to the Owner of Lot 20 the Lot 20 Conveyance Property, such conveyance to be made by the Deed. The Owner of Lot 20 hereby agrees to accept the conveyance by the Association of the Lot 20 Conveyance Property as set forth in the Deed (when completed to include all information required to convey the Lot 20 Conveyance Property).

3. Maintenance of Conveyance Property. The Owner of Lot 19 hereby agrees to maintain the Lot 19 Conveyance Property pursuant to the applicable terms of the Declaration.

The Owner of Lot 20 hereby agrees to maintain the Lot 20 Conveyance Property pursuant to the applicable terms of the Declaration.

4. Miscellaneous.

a. Except as modified hereby, the Dedication (and the Declaration) shall remain in full force and effect, and, in the event of any inconsistencies between this Amendment and the terms of the Dedication (or the Declaration), the terms set forth in this Amendment shall govern and control.

b. Captions used herein are for convenience only and are not to be utilized to ascribe any meaning to the contents thereof.

c. Unless defined differently herein or the context clearly requires otherwise, all terms used in this Amendment shall have the meanings ascribed to them under the Dedication (and the Declaration).

d. This Amendment shall be binding upon and shall inure to the benefit Association and its successors, assigns, receivers and trustees, and shall be governed by and construed in accordance with the laws of the State of Texas.

[SIGNATURE PAGE(S) FOLLOW]

[Signature Page for that First Amendment to Dedication of Common Area Pursuant to Covenants,
Conditions and Restrictions for Edward's Mountain]

EXECUTED as of the date first above written.

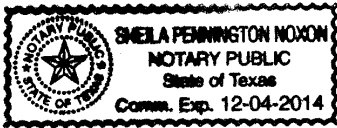
ASSOCIATION:

EDWARD'S MOUNTAIN OWNERS
ASSOCIATION, INC., a Texas non-profit
corporation

By: Graham Haddock
Graham Haddock, President

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 30, 2013, by Graham Haddock, the President of Edward's Mountain Owners Association, Inc., a Texas non-profit corporation, on behalf of such corporation.



Sheila Pennington Noxon
Notary Public, State of Texas


Return:

Law Office of Thomas E Rodman Jr
710 W. 14th St e G
Austin TX 78701

[Signature Page for that First Amendment to Dedication of Common Area Pursuant to Covenants,
Conditions and Restrictions for Edward's Mountain]

EXECUTED as of the date first above written, such execution solely for the purpose of
acknowledging such party's agreement to accept the conveyance of the Lot 19 Conveyance
Property and to maintain the Lot 19 Conveyance Property as set forth herein.

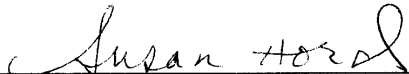
LOT 19 OWNER:


Melissa LoBiondo

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on December 31, 2013, by Melissa
LoBiondo.





Notary Public, State of Texas

[Signature Page for that First Amendment to Dedication of Common Area Pursuant to Covenants, Conditions and Restrictions for Edward's Mountain]

EXECUTED as of the date first above written, such execution solely for the purpose of acknowledging such party's agreement to accept the conveyance of the Lot 20 Conveyance Property and to maintain the Lot 20 Conveyance Property as set forth herein.

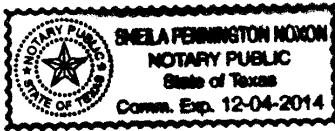
LOT 20 OWNER:

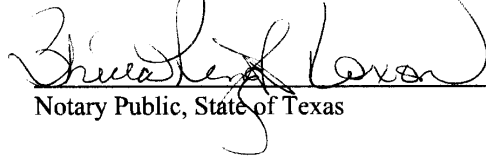

Daniel Jahn

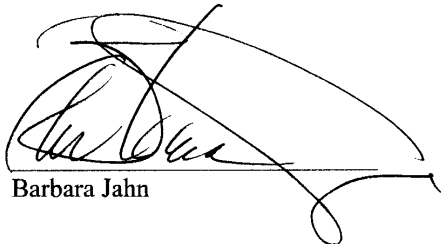
STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on ~~December~~ ^{JANUARY} 3, 2018, by Daniel Jahn.



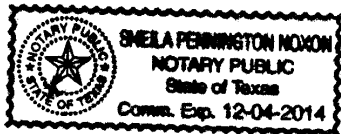

Notary Public, State of Texas


Barbara Jahn

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on ~~December~~ ^{JANUARY} 6th, 2018, by Barbara Jahn.



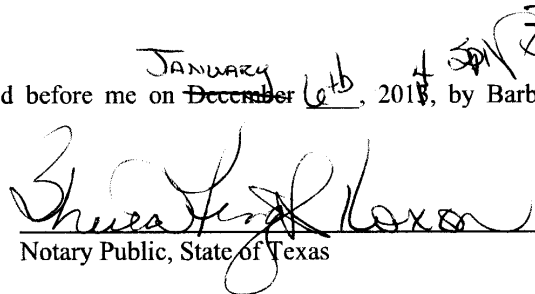
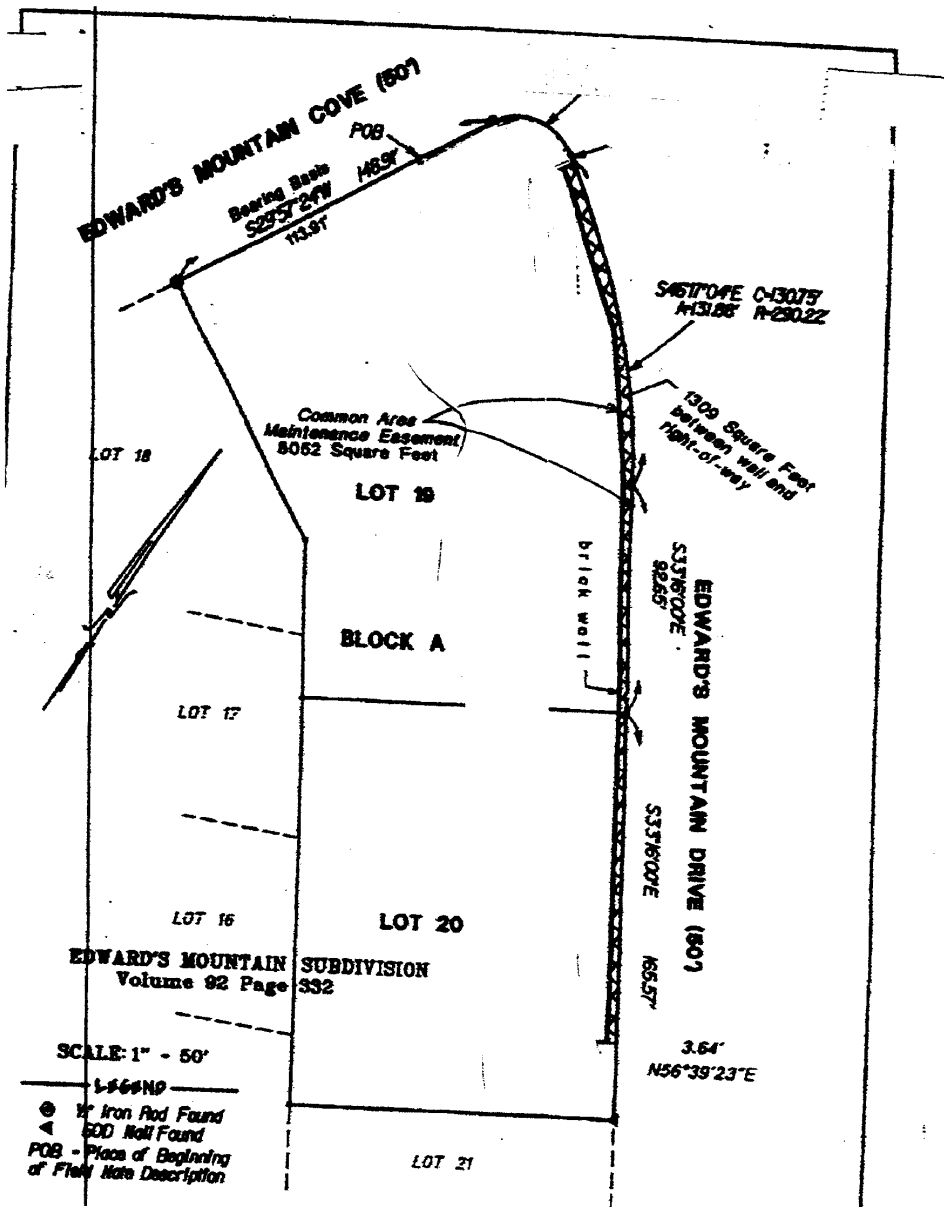

Notary Public, State of Texas

EXHIBIT A

Depiction of the Common Area Maintenance Easement



FIELD NOTES DESCRIBING 6,626 SQ FT OF LAND BEING A PROPOSED COMMON AREA MAINTENANCE EASEMENT FOR LANDSCAPING OVER AND ACROSS A PORTION OF LOTS 19 BLOCK A, EDWARDS MOUNTAIN SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 92, PAGE 332 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASMENT BEING RELEASED BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the southeasterly right of way line of Edwards Mountain Cove and in the northwesterly line of Lot 19, Block A, of Edwards Mountain Subdivision, a subdivision in Travis County, Texas recorded in Volume 92, Page 332 of the Plat Records of Travis County, Texas and being the most westerly northwest corner of the herein described easement and from which a ½" iron rod found for the most westerly corner of Lot 19 and the northerly corner of Lot 18 Block A of the above referenced subdivision bears S 29° 57' 24" W, 113.91 feet;

THENCE with the southeasterly right of way line of Edwards Mountain Cove and the northerly line of Lot 19 N 29° 57' 24" E, 35.18 feet to a ½" iron rod found for the beginning of a curve to the right;

THENCE along said curve with a radius of 25.00 feet and whose chord bearing and distance bears N 74° 39' 32" E, 35.32 feet to a ½" iron rod found for the beginning of a compound curve in the southerly southwesterly right of way line of Edwards Mountain Drive and the northerly line of Lot 19;

THENCE along said curve to the right with a radius of 290.22 feet and whose chord bearing and distance bears S 59° 45' 24" E, 3.92 feet to a point for the northeasterly corner of this easement;

THENCE leaving the southwesterly right of way line of Edwards Mountain Drive through the interior of Lot 19, Block A, S 35° 00' 00" W, 21.55 feet to a point for an angle point of this easement.

THENCE through said Lot 19, S 33° 45' 36" E, 214.41 feet to a point in the north line of Lot 20 and the south line of Lot 19 for the most easterly corner hereof from which a ½" iron rod found in the west right of way line of Edwards Mountain Drive same being the common corners of Lots 19 and 20 bears N 46° 43' 10" E, 48.08 feet;

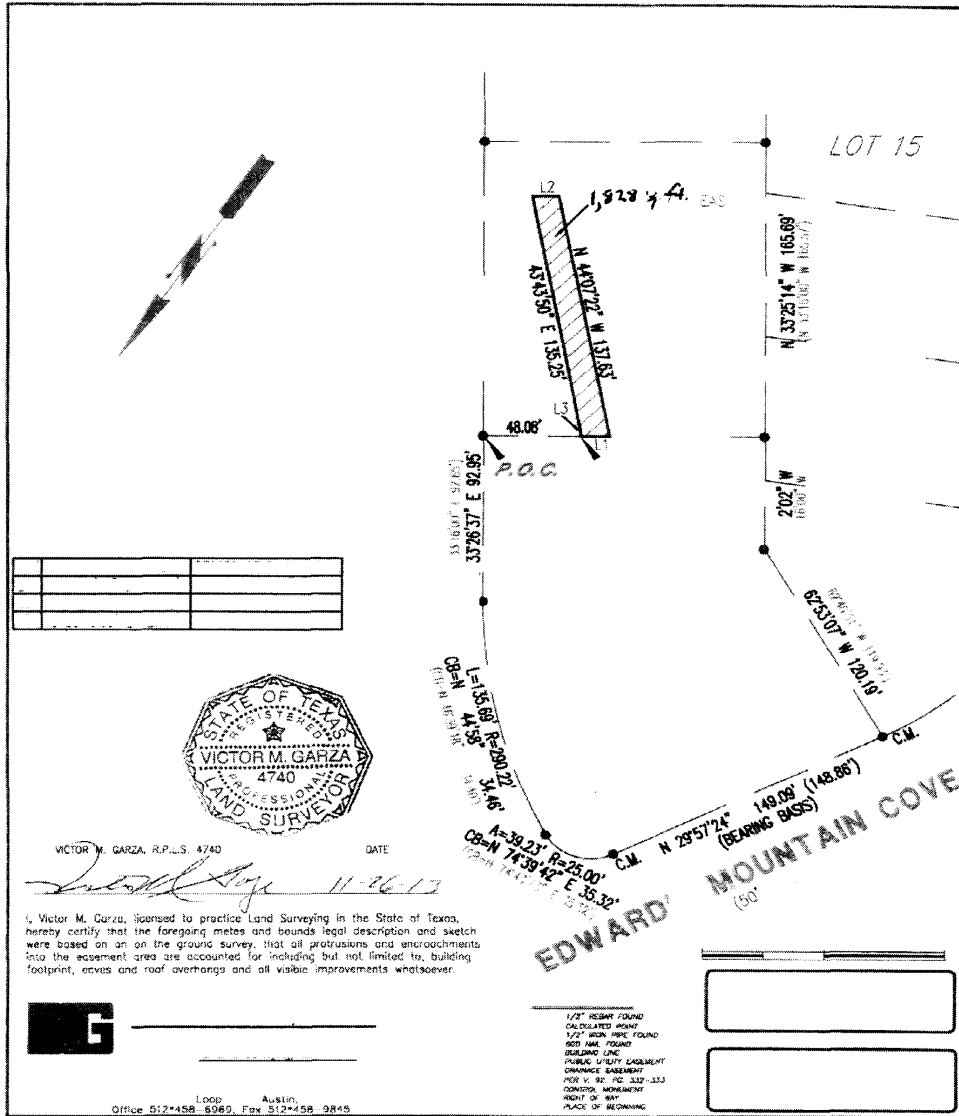
THENCE along the common lines of Lots 19 and 20 S 56° 43' 10" W, 44.41 feet to a point for the southeast corner hereof from which a ½" iron rod found at the northwest corner of Lot 20 and the southwest corner of Lot 19 bears S 46° 43' 10" W, 76.52 feet;

THENCE through said Lot 19 the following courses:

1. N 35° 00' 39" W, 116.47 feet;
2. N 56° 40' 00" W, 50.00 feet
3. N 44° 04' 43" W, 57.32 feet to the **Place of Beginning** and containing 6226 Sq. Ft. of land more or less.

EXHIBIT A-2

Depiction and field notes for Lot 20 Conveyance Property



FIELD NOTES DESCRIBING 1828 SQ FT OF LAND BEING A PROPOSED COMMON AREA MAINTENANCE EASEMENT FOR LANDSCAPING OVER AND ACROSS A PORTION OF LOTS 20 BLOCK A, EDWARDS MOUNTAIN SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 92, PAGE 332 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASMENT BEING RELEASED BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a $\frac{1}{2}$ " iron rod found at the west right of way line of Edwards Mountain Drive, same being the northeast corner of Lot 20 and the southeast corner of Lot 19, Block A, of the above referenced subdivision;

THENCE along the common lines of Lots 19 and 20 S $56^{\circ} 43' 10''$ W, 48.08 feet for the Point of Beginning of this description;

THENCE through said Lot 20, Block A the following courses:

1. S $33^{\circ} 45' 36''$ E, 2.17 feet
2. S $43^{\circ} 43' 50''$ E, 135.25 feet
3. S $57^{\circ} 21' 58''$ W, 13.08 feet
4. N $44^{\circ} 07' 22''$ W, 137.63 feet to a point in the north line of Lot 20 and the south line of Lot 19 from which a $\frac{1}{2}$ " iron rod found at the northwest corner of Lot 20 and the southwest corner of Lot 19 bears S $56^{\circ} 43' 10''$ W, 76.52 feet;

THENCE along the common lines of Lots 19 and 20 N $56^{\circ} 43' 10''$ E, 14.41 feet to the **Place of Beginning** and containing 1828 Sq. Ft. of land more or less.

EXHIBIT B

Form of the Deed

DEED WITHOUT WARRANTY

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

EDWARD'S MOUNTAIN OWNERS ASSOCIATION, INC., a Texas non-profit corporation ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, have granted, sold and quitclaimed, and by these presents do grant, sell and quitclaim unto _____ ("Grantee"), all of Grantors' right, title and interest in and to that property described on Exhibit A attached hereto and made a part hereof (the "Property").

TO HAVE AND HOLD all of Grantors' right, title and interest in and to the Property unto Grantee, and Grantee's heirs, successors and assigns forever. This conveyance is made without warranty, express or implied.

Executed this ____ day of _____, 2013.

GRANTEE'S ADDRESS:

EDWARD'S MOUNTAIN OWNERS ASSOCIATION, INC., a Texas non-profit corporation

c/o _____
_____, Suite _____
Austin, Texas 787__

STATE OF _____ §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 20__, by

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Notary Public, State of

Jan 22, 2014 02:35 PM 2014010233
GONZALESM: \$66.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS